

COURT  
OF MASS.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

2004 JAN 29 P 5: 56

GTE WIRELESS, INC.,

Plaintiff,

v.

CELLEXIS INTERNATIONAL, INC. and  
FREEDOM WIRELESS, INC.

Defendants.

Civil Action No. 01-CV-10793-RWZ

**ASSENTED-TO MOTION TO IMPOUND SECOND AFFIDAVIT OF MARSHALL M.  
SEARCY IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S  
MOTIONS IN LIMINE AND SUPPORTING EXHIBITS**

Defendants hereby move this Court, pursuant to Local Rule 7.2, to impound the Second Affidavit of Marshall M. Searcy III in Support of Defendants' Opposition to Plaintiff's Motion in Limine and Supporting Exhibits. As grounds for this motion, Defendants state that:

(1) the Affidavit and Supporting Exhibits include documents that Cellco has marked "attorney's eyes only" in the patent litigation; and

(2) Plaintiff GTE Wireless, Inc. assents to the relief requested in this motion.

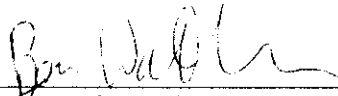
**WHEREFORE**, Defendants respectfully request that the Court allow their Motion to Impound.

Dated: January 29, 2004

Respectfully submitted,

CELLEXIS INTERNATIONAL, INC. and  
FREEDOM WIRELESS, INC.

By Their Attorneys,



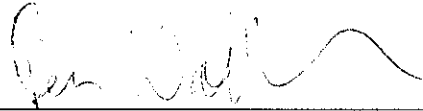
F. Dennis Saylor, IV (BBO #443710)  
Douglas C. Doskocil (BBO #558949)  
Benjamin M. Wattenmaker (BBO #644919)  
Goodwin, Procter LLP  
Exchange Place  
Boston, MA 02109-2881  
Telephone: (617) 570-1000  
Facsimile: (617) 523-1231

A. William Urquhart  
Marshall M. Searcy III  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017  
(*pro hac vice*)

**CERTIFICATION UNDER LOCAL RULE 7.1**

I, Benjamin M. Wattenmaker, hereby certify that, on January 29, 2004, counsel for Defendants conferred in good faith with counsel for Plaintiff, which assents to the relief requested herein.

Dated: January 29, 2004

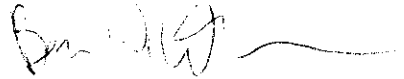


Benjamin M. Wattenmaker

**CERTIFICATE OF SERVICE**

I, Benjamin M. Wattenmaker, hereby certify that, on January 29, 2004, I caused a true copy of the foregoing Assented-to Motion to Impound Second Affidavit of Marshall M. Searcy III in Support of Defendants' Opposition to Plaintiff's Motions in Limine and Supporting Exhibits to be served by overnight courier and facsimile to the attached service list.

Dated: January 29, 2004



Benjamin M. Wattenmaker

LIBA/1352588.1

**SERVICE LIST**  
**GTE WIRELESS, INC. v. CELLEXIS INTERNATIONAL, INC.**  
**AND FREEDOM WIRELESS, INC**  
**U.S.D.C., C.A. No. 01-CV-10793-RWZ**  
**Page 1**

Scott G. Lindvall, Esq.  
Darby & Darby, P.C.  
805 Third Avenue  
New York, NY 10022  
Tel. 212-527-7700  
Fax: 212-753-6237

Jennifer L. Conrad, Esq.  
Douglas J. Kline, Esq.  
Testa, Hurwitz & Thibault  
High Street Tower  
125 High Street  
Boston, MA 02110-3897  
Tel: 617-248-7000  
Fax: 617-248-7100  
**Attorneys for PLAINTIFF, GTE MOBILNET SERVICE CORP., a Delaware Corporation**

Michael G. Helms, Esq.  
Jennings, Strouss & Salmon, P.L.C.  
7375 East Camino Del Monte  
Scottsdale, AZ 85255  
Tel: 480-585-3469

F. Dennis Saylor, IV  
Douglas C. Daskocil  
Benjamin M. Wattenmaker  
Goodwin Procter LLP  
Exchange Place  
53 State Street  
Boston, MA 02109  
Tel: 617-570-1000  
Fax: 617-523-1231  
**Attorneys for Defendants CELLEXIS INTERNATIONAL, INC., an Arizona Corporation, and  
FREEDOM WIRELESS INC.**

LIBA/1081568.1

LIBA/1081568.1 01/29/2004 12:51 PM

City Hall, Room 615  
Boston, MA 02201

MERITA A. HOPKINS  
*Corporation Counsel*

© 2000 Pearson Education, Inc.